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SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**THIRTY-NINTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 16, 2012**

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Bilyeu, Brackett, Broadsword, Cameron, Corder, Fulcher, Johnson, Keough, Lodge, Mortimer, Stennett and Toryanski, absent and excused.

Prayer was offered by Senator Les Bock.

The Pledge of Allegiance was led by Abigail Mocettini, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 15, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Bilyeu, Mortimer, Stennett, and Toryanski were recorded present at this order of business.

February 16, 2012

The JUDICIARY AND RULES Committee reports that [S 1330](#) has been correctly printed.

DARRINGTON, Chairman

[S 1330](#) was referred to the State Affairs Committee.

February 15, 2012

The JUDICIARY AND RULES Committee reports that [S 1219](#) and [S 1222](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1219](#) and [S 1222](#) and ordered them transmitted to the House for the signature of the Speaker.

Senator Lodge was recorded present at this order of business.

February 15, 2012

The STATE AFFAIRS Committee reports out [HJM 7](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[HJM 7](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 14, 2012

The EDUCATION Committee reports out [S 1301](#) with the recommendation that it do pass.

GOEDDE, Chairman

[S 1301](#) was filed for second reading.

Senator Brackett was recorded present at this order of business.

February 15, 2012

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Hyoung K. Pak to the Idaho Commission on Human Rights, term to expire July 1, 2014.

Ruthie Johnson to the Idaho Commission on Human Rights, term to expire July 1, 2014.

MCKENZIE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 15, 2012

The STATE AFFAIRS Committee reports out [S 1298](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[S 1298](#) was filed for second reading.

Senator Cameron was recorded present at this order of business.

February 15, 2012

The STATE AFFAIRS Committee reports out [H 391](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[H 391](#) was filed for second reading.

February 15, 2012

The JUDICIARY AND RULES Committee reports that Enrolled [S 1237](#) was delivered to the Office of the Governor at 1:23 p.m., February 15, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 15, 2012

The RESOURCES AND ENVIRONMENT Committee reports out [S 1291](#) with the recommendation that it do pass.

PEARCE, Chairman

[S 1291](#) was filed for second reading.

February 15, 2012

The JUDICIARY AND RULES Committee reports out [HJM 4](#) with the recommendation that it do pass.

DARRINGTON, Chairman

[HJM 4](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 15, 2012

The HEALTH AND WELFARE Committee reports out [SCR 112](#) with the recommendation that it do pass.

LODGE, Chairman

[SCR 112](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 16, 2012

The EDUCATION Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Brad Corkill to the Public Charter School Commission, term to expire May 12, 2015.

Esther Van Wart to the Public Charter School Commission, term to expire May 12, 2015.

Wanda Chillingworth Quinn to the Public Charter School Commission, term to expire May 12, 2012.

GOEDDE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

Senators Broadsword and Corder were recorded present at this order of business.

February 14, 2012

The TRANSPORTATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Dwight Horsch to the Idaho Transportation Board, term to expire January 31, 2017.

HAMMOND, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

Senator Keough was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 15, 2012

Dear Mr. President:

I transmit herewith [H 372](#), [H 460](#), [H 462](#), [H 463](#), and [H 526](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 372](#), [H 460](#), [H 462](#), [H 463](#), and [H 526](#) were filed for first reading.

Senator Fulcher was recorded present at this order of business.

February 15, 2012

Dear Mr. President:

I transmit herewith Enrolled [H 384](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 384](#) and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the Transportation Committee report relative to the Gubernatorial appointment of Jerry Whitehead was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Corder, seconded by Senator Hammond, the Gubernatorial appointment of Jerry Whitehead as Chair of the Idaho Transportation Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1331

BY FINANCE COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1004E, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN ADJUSTMENTS TO A DISTRICT'S SALARY-BASED APPORTIONMENT; AND PROVIDING A CONTINGENT SUNSET DATE.

S 1332

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO ATTORNEY'S FEES, WITNESS FEES AND EXPENSES AWARDED IN CERTAIN INSTANCES; AMENDING SECTION 12-117, IDAHO CODE, TO REVISE WHEN ATTORNEY'S FEES, WITNESS FEES

AND EXPENSES MAY BE AWARDED, TO REVISE DEFINITIONS, TO DEFINE A TERM AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

[S 1331](#) and [S 1332](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 372](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 460](#), [H 462](#), [H 463](#), and [H 526](#), by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1296](#), [S 1302](#), and [S 1303](#), by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

[S 1274](#), by Transportation Committee, was read the second time at length and filed for third reading.

[S 1260](#), [S 1261](#), [S 1262](#), and [S 1273](#), by Health and Welfare Committee, were read the second time at length and filed for third reading.

[H 418](#), by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

Senator Johnson was recorded present at this order of business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Winder to the Chair to preside during the sitting of the Committee of the Whole.

The Committee of the Whole rose to report to the President a ruling on a point. The President declared that the Chair of the Committee of the Whole was correct in ruling that amendment 2 to [S 1215](#) was out of order based upon Article III, Section 16 of the Idaho Constitution, Senate Rule 28(D) and Section 402 of Mason's Manual of Legislative Procedure.

The President declared the Senate resolved back into the Committee of the Whole and called Senator Winder back to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out [S 1215](#), [S 1255](#), and [S 1277](#), without recommendation, amended as follows:

SENATE AMENDMENT TO S 1215 AMENDMENT TO THE BILL

On page 8 of the printed bill, following line 29, insert: "SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval."

CORRECTION TO TITLE

On page 1, in line 13, following "REFERENCES" insert: "; AND DECLARING AN EMERGENCY".

SENATE AMENDMENT TO S 1255 AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 31, delete "Unless otherwise provided by agency rule, rRecords" and insert: "Records"; and in line 34, following "persons." insert: "For reasons of health and safety, best interests of the child or public interest, the department of health and welfare may provide for the disclosure of records contained within this exemption by rule.".

CORRECTION TO TITLE

On page 1, delete line 7, and insert: "FROM DISCLOSURE AND TO PROVIDE THAT FOR REASONS OF HEALTH AND SAFETY, BEST INTERESTS OF THE CHILD OR PUBLIC INTEREST, THE DEPARTMENT OF HEALTH AND WELFARE MAY PROVIDE FOR THE DISCLOSURE OF RECORDS CONTAINED WITHIN A SPECIFIED EXEMPTION BY RULE; AND DECLARING".

SENATE AMENDMENT TO S 1277 AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 2, delete "b" and insert: "n".

The Committee also has [S 1231](#) under consideration, reports progress, and begs leave to sit again.

WINDER, Chairman

On motion by Senator Winder, seconded by Senator McGee, the report was adopted by voice vote.

[S 1215](#), as amended, [S 1255](#), as amended, and [S 1277](#), as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:15 a.m. until the hour of 10:30 a.m., Friday, February 17, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary